THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.2015 of 2006

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Dated:02.02.2006

Between:

Boddeda Ramachandra Kishore.

..... PETITIONERS

AND

The Regional Joint Commissioner and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.2015 of 2006

ORDER:

The petitioner claims to be a member of the founder's family of Sri Sitaramaswamy Temple, Arabupalem Village, Munagapaka Mandal, Visakhapatnam District. The second respondent issued a notice in accordance with Rule 4(1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Appointment of Trustees Rules, 1987 (for short 'the Rules'), proposing to appoint a Board of Trustees as per Section 15(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). Aggrieved by the same, the petitioner preferred an appeal before the first respondent, purportedly, under Section 90 of the Act. He also filed I.A.No.56 of 2005 praying the first respondent to stay the appointment of the Board of Trustees to Sri Sitaramaswamy

Temple. Alleging that no orders are passed, the present writ petition is filed.

The second respondent issued notice for appointment of Board of Trustees, and at that stage there is no decision or proceeding against which an appeal or revision can be filed. If the petitioner claims to be a member of founder's family, his remedy lies in approaching the jurisdictional Deputy Commissioner of Endowments under Section 87(1)(h) of the Act and seek appropriate declaration, and then approach the Assistant Commissioner – the competent authority – under Section 17 of the Act.

In view of the above, this writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

02.02.2006

vs